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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit Unknown

In re

Patent Application of

Robert Scott Youngquist, et al.

Application No. 09/980,405

Confirmation No.: 1477

Filed: November 30, 2001

Examiner: Victor Oh

"SUBSTITUTED BIARYL ETHER
COMPOUNDS"

I, Kate Jochman, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Signature

Date of Signature

30 January 04

STATUS REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants' attorneys respectfully request a report on the status of the above-identified application.

Applicants' attorneys filed a Request for Withdrawal of Abandonment on December 17, 2002 and have received no response as of yet.

Sharon Johnson of this office called Examiner Phillip Gambel of the Office of Petitions on March 27, 2003 to inquire on the status of the Request for Withdrawal of Abandonment. Examiner Gambel indicated that the Request was with Examiner Thurman Page in the text center and would be responded to in due course.

Examiner Page called Ms. Johnson on May 29, 2003 and provided information that the case had now been assigned to Examiner Victor Oh and that an Office Action would be sent.

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Examiner Victor Oh contacted Attorney Timothy M. Kelley of this office on July 1, 2003 to request provisional election of a species pursuant to a Restriction Requirement issued in the subject application. Attorney Kelley indicated that the Restriction Requirement had not been received by this office. Having never received a formal decision on the Request for Withdrawal of Abandonment, Attorney Kelley further indicated that he had been working under the assumption that the application was still considered abandoned by the United States Patent and Trademark Office.

On September 16, 2003, Attorney Kelley spoke with Examiner Oh's supervisor, Alan Rotman. Examiner Rotman stated that the Restriction Requirement had been misdirected by the USPTO and would be re-sent to the attention of Attorney Kelley at the correct address.

As of December 11, 2003, the Restriction Requirement had not been received by this office. Attorney Kelley's paralegal, Kate Jochman, contacted Examiner Oh to inquire as to the status of the application. Examiner Oh stated that nothing had yet been resolved but that as the delay in prosecution of this application had been entirely the fault of the USPTO, the Office would take the necessary steps to rectify the situation.

Ms. Jochman again contacted Examiner Oh on January 20, 2004. Examiner Oh suggested speaking with his acting Supervising Examiner, Joseph McKane. Ms. Jochman left a voice mail message with Examiner McKane. Having received no response to this voice mail, Attorney Kelley left a voice mail message for Examiner McKane on January 29, 2004.

Any efforts to ascertain the status of this application will be greatly appreciated. If a telephone conference would be helpful in resolving any issue associated with the filing of this request, please contact the undersigned at the below-noted number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Timothy M. Kelley", with a long horizontal flourish extending to the right.

Timothy M. Kelley
Reg. No. 34,201

File No. 092271-9012-01
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